

**STATE LEVEL PROGRAMMATIC AGREEMENT
BETWEEN
THE UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
AND
THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY**

Purpose: This State Level Agreement (**SLA**) implements Stipulation 2.A., *State Level Agreements*, of the Nationwide Programmatic Agreement among the United States Department of Agriculture, Natural Resources Conservation Service (**NRCS**) the Advisory Council on Historic Preservation (**Council**), and the National Conference of State Historic Preservation Officers, ratified on May 31, 2002.

This agreement adjusts compliance requirements to conditions that exist within the State of Mississippi that could not be uniformly addressed at the national level and facilitates NRCS actions within the state.

NRCS and the State Historic Preservation Office of Mississippi, the Mississippi Department of Archives and History (**MDAH**), agree that execution of this SLA provides for implementation of policies and procedures developed by NRCS to effectively ensure that effects of conservation activities on historic properties are thoroughly considered in the earliest planning stages and that protection of historic properties is accomplished as efficiently as possible.

WHEREAS, NRCS carries out assistance activities and programs for soil, water and related resource conservation activities within the State of Mississippi; and,

WHEREAS, NRCS proposes to comply programmatically with its obligations under Section 106 of the National Historic Preservation Act of 1966 (**NHPA**) (16 U.S.C. 470f, as amended, Section 301(7)), the Council's regulations for implementation of Section 106 of NHPA (36 CFR 800), and its own national policies and procedures for protecting cultural resources¹, as issued in the NRCS General Manual (**GM**) 420 Part 401 Cultural Resources (*Archaeological and Historic Properties*) and the NRCS *National Cultural Resources Procedures Handbook*; and,

WHEREAS, MDAH administers the programs of NHPA for Mississippi and is responsible for assisting federal agencies in the Section 106 process; and,

WHEREAS, NRCS has the responsibility under NHPA to consult with federally recognized Indian tribes (**Tribes**) that attach religious and cultural significance to historic properties located on ancestral, aboriginal, ceded or tribal lands within Mississippi, this consultation may result in formal agreements accomplished by means of separate, but complementary, Tribal Consultation Protocols between the NRCS and Tribe(s) as specified in Stipulation 2.B., *American Indian Tribal Consultation Protocols*, of the Nationwide Programmatic Agreement; and,

WHEREAS, Tribes with ancestral, aboriginal, ceded or Tribal lands within Mississippi have been invited to be concurring parties to this agreement pursuant to 36 CFR 800.6(c)(3); and,

WHEREAS, the definitions given in 36 CFR 800.16 and GM 420 Part 401.02 are applicable throughout this SLA;

NOW THEREFORE, NRCS and MDAH agree to the following stipulations and shall ensure that they are implemented:

STIPULATIONS

1. NRCS Personnel and Responsibilities

A. State Conservationist.

(1) The designated Agency Official for all NRCS activities in Mississippi is the State Conservationist. The State Conservationist has approval authority for undertakings and can commit NRCS to take appropriate action identified through the Section 106 compliance process for a specific undertaking.

(2) The State Conservationist shall designate a State Cultural Resources Coordinator as described in Stipulation 1.C. to carry out the cultural resources program, and will ensure that the State Office has on staff or has regular and continuing access to a qualified Cultural Resources Specialist as defined by Stipulation 1.D (1).

B. Area Conservationists.

Each Area Conservationist shall designate an Area Cultural Resources Contact (**ACRC**) as defined under Stipulation 1.E. The designated ACRC should be an area or field office staff member with an interest in cultural resources. More than one ACRC may be designated at the discretion of the Area Conservationist.

C. Cultural Resources Coordinator (CRC).

(1) The Cultural Resources Coordinator is NRCS' officially designated point of contact in the State Office. The CRC is responsible to the State Conservationist for the implementation of cultural resources policy and procedures and for the overall compliance and program activities in NRCS operations.

(2) The position is generally collateral to other duties and requires advanced training in historic and cultural resources compliance procedures in order to consult with State and Tribal Historic Preservation Officers staff, the Advisory Council staff, and the public, and to work with NRCS' own Cultural Resources Specialist assigned to the State. Training requirements for the CRC are specified in 601.50 E (3) of the NRCS *National Cultural Resources Procedures Handbook*.

(3) Normally, the State Resource Conservationist shall serve as the Cultural Resources Coordinator.

D. Cultural Resources Specialist (CRS).

(1) The Mississippi NRCS State Office shall employ or contract for the regular, continuing services of a Cultural Resources Specialist (**CRS**) who meets the *Secretary of the Interior's Professional Qualifications Standards* in archaeology as specified in 48 FR 44738-44739 (hereafter, **Secretary's Standards**), and as a Principal Investigator as set forth in MDAH's *Guidelines for Archaeological Investigations and Reports in Mississippi* (hereafter, **MDAH's Guidelines**).

(2) All cultural resources activities carried out pursuant to this SLA, including work by outside consultants, shall be performed by or under the guidance of a CRS.

(3) A staff CRS may also serve as the State Cultural Resources Coordinator as described under Stipulation 1.C. when so designated by the State Conservationist.

(4) A staff CRS shall provide procedural guidance for considering and managing cultural resources, provide technical expertise and training to state, area and field office staff, consult with MDAH and Tribes, review cultural resources management documents, review findings made by NRCS personnel regarding cultural resources, conduct quality control on cultural resources activities, and be available to oversee or conduct cultural resources identification and evaluation determinations and the development of historic properties treatment plans.

(5) If the CRS is not an NRCS employee (e.g., a contractor) all formal findings, decisions, and consultation with MDAH and Tribes must be made by NRCS.

E. Area Cultural Resources Contacts (ACRC).

Area Cultural Resources Contacts (**ACRC**) shall assist field office personnel and the CRS with coordination and management of cultural resources activities in their respective areas of Mississippi. The ACRCs shall complete the NRCS National Cultural Resources Training Program (Modules 1-8) and receive advanced training in cultural resources management and law.

F. Trained NRCS Personnel.

(1) All NRCS employees responsible for reviewing practice areas for cultural resources compliance shall complete the NRCS National Cultural Resources Training Program (Modules 1-8) and maintain certification. NRCS employees who have satisfactorily completed Modules 1-8 and maintained certification (hereafter, **trained NRCS personnel**) are considered qualified to perform initial cultural resource reviews, field inspections and monitoring.

(2) NRCS shall annually review its employee directory and ensure new employees complete the NRCS National Cultural Resources Training Program before the end of their first eighteen months of employment, and that existing employees receive a "refresher" course or training every three to five years.

(3) Non-NRCS personnel including:

- Technical Service Providers (**TSPs**) and
 - district employees, state employees, and contractors,
- who carry out conservation planning, assistance, and particularly installation, under the technical oversight of NRCS, or conduct data gathering of cultural resources information for NRCS compliance needs, should complete the NRCS National Cultural Resources Training Program or work under the direct oversight of a CRS.

G. Site Information.

NRCS agrees to provide MDAH with information concerning newly discovered and previously recorded cultural resources as they are encountered. This new or updated information shall be recorded on the appropriate forms and submitted to MDAH.

H. Technical Information and Assistance.

NRCS agrees to provide technical information and assistance to MDAH staff in erosion control, soil interpretation and other areas of NRCS expertise for the study and/or preservation of cultural resources as time and staff resources permit.

2. MDAH Personnel and Responsibilities

A. State Historic Preservation Officer (SHPO).

The State Historic Preservation Officer (SHPO) shall be the designated signatory for all agreement documents pursuant to this SLA.

B. Review and Compliance Officer.

The Review and Compliance Officer shall be the designated signatory for normal consultation correspondence pursuant to this SLA and the designated point of contact for general consultation.

C. Historic Preservation Division Section Heads.

Section Heads within the Historic Preservation Division shall be the designated points of contact for direct consultation regarding particular resource concerns.

D. Site File Access.

MDAH shall provide file access (paper or electronic data) to appropriate personnel of the NRCS State Office for archaeological and historical site records, National Register of Historic Places (**NRHP**) properties documentation and Mississippi Landmark documentation on file with MDAH. This information shall be used to determine potential impacts on known cultural resources for all undertakings implemented through programs administered by NRCS. Access to specific site location data shall be restricted to the CRS and CRCs. However, site information (including locations) may be provided to other NRCS personnel and to landowners/operators for particular project areas on a need-to-know basis. NRCS agrees that any such data obtained from MDAH will not be made available to the public and will be used only for planning of NRCS conservation activities.

E. Review of Compliance Documentation.

(1) MDAH shall provide written comments within thirty (30) calendar days of receipt of an NRCS request for review of a finding or determination under the normal Section 106 compliance process.

(2) MDAH shall provide written comments within forty-eight (48) hours for all requests for review of a finding or determination in discovery situations as detailed in 36CFR800.13.

(3) MDAH shall provide written comments within five (5) calendar days for all requests for review of a finding or determination in emergency situations as detailed in 36CFR800.12.

F. Training.

MDAH agrees to review training materials and to assist in cultural resources training of NRCS personnel as time and staff resources permit.

3. MDAH Delegation of Limited Authority to NRCS

A. Agreement of Limited Delegation of Authority.

Provided NRCS continues to employ a CRS who meets the qualifications set forth in Stipulation 1.D.(1), MDAH agrees to the limited delegation of authority to NRCS to complete certain Section 106 reviews without MDAH participation on a case-by-case basis.

B. Practices for Individual Review.

Under this delegated authority, MDAH shall be directly consulted for individual NRCS project review only for proposed land leveling related practices, proposed terracing, or when a cultural resource may be adversely affected by a proposed action. Conservation practices that shall be considered for individual review include: precision land forming (462), irrigation land leveling (464), “pads and pipes” [dike (356), structure for water control (587)], and terrace (600).

C. Procedures.

Specific procedures to be followed pertaining to this delegation shall be established by NRCS in consultation with MDAH and other consulting parties, and contained in the *Mississippi Cultural Resources Procedures Handbook* (Attachment 1). All other NRCS activities shall be summarized in regular summary reports in accordance with Stipulation 7.E. and submitted to MDAH and other consulting parties for review.

D. Dispute Resolution.

If at any time MDAH questions the effectiveness of this delegation or its implementation, NRCS and MDAH shall review the matter within sixty (60) days of the objection. If MDAH continues to have concerns with the limited delegation of Section 106 decisions to NRCS, MDAH may resume direct review of projects, and request an amendment to the SLA in accordance with Stipulation 13.

4. Public Participation

Public participation provisions that recognize the rights of private landowners must guide NRCS procedures designed to address regulations in 36CFR800.2(d). The majority of NRCS projects in Mississippi involve one landowner on private land and the public is not notified of the project scope. When project complexity and scope involves multiple landowners, as in watershed planning, public meetings are held to involve the public in the planning process and to inform them of potential project effects on historic properties.

5. Undertakings

A. Definition.

The definition of the term undertaking in 36CFR800.16(y) shall be used for NRCS activities carried out pursuant to this agreement:

“Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.”

B. National Exemptions.

Certain NRCS activities are nationally exempted (See Stipulation 3, *National Exemptions*, of the Nationwide Programmatic Agreement) from cultural resources consideration because their potential effects are foreseeable and likely to be minimal or not adverse. NRCS and MDAH recognize the appropriateness of these exemptions in Mississippi and affirm the terms of Stipulation 3 of the Nationwide Programmatic Agreement.

6. Determining Conservation Practice Effects on Cultural Resources.

Activities and practices listed in the NRCS Field Office Technical Guide (**FOTG**) have been evaluated by the signatories of this SLA according to the potential for individual practices to affect cultural resources when applied according to NRCS practice standards and specifications in the manner and to the extent common in Mississippi.

The classifications are listed for each practice in the document *Classification of Conservation Practice Effects on Cultural Resources* (hereafter, ***Effects Document***; Attachment 2).

A. Revising the *Effects Document*.

The *Effects Document* may be updated through the mutual consent of the signatories without requesting a formal amendment to this agreement.

B. Classification of Conservation Practice Effects on Cultural Resources.

During early project planning stages, trained NRCS personnel shall determine the classification of all planned practices by consulting the practice effects listings in the *Effects Document*.

Two categories shall be used to classify conservation practice effects on cultural resources in Mississippi: (1) Review and (2) Exempt.

(1) **Review (R)**: Practices that have the potential to affect cultural resources when installed according to standard NRCS criteria are considered “Review” practices. Normally, any heavy equipment use, ground disturbance, land clearing, or new construction is included in this category. The effects can be immediate (an effect caused by the installation process) or distant (an effect that occurs at a later time as a result of the practice installation), and direct (an effect that impacts the resource) or indirect (an effect that can reasonably be expected to occur as a result of installation). A field inspection by trained NRCS personnel or a CRS and/or a background review of the state archaeological site file section grid, NRHP listings, and other relevant documents shall be conducted for all practices classified as “Review.”

(2) **Exempt (E)**: Practices that are primarily management related, have been evaluated, and determined to have no potential or only minor potential to cause adverse effects to cultural resources are considered “Exempt” from cultural resources review. “Exempt” practices may, however, alter land use or ground cover conditions at cultural resource locations. Some of these practices may actually provide beneficial effects such as improving soil cover stability. A background review of the state archaeological site file section grid and NRHP listings shall be conducted for all “Exempt” practices. “Exempt” practices shall be documented as a part of the normal NRCS environmental evaluation process described in NRCS GM 190 Part 410.5.

C. Activities Having the Potential to Adversely Affect Cultural Resources.

Any activity or practice that will result in a potential adverse effect to cultural resources shall be considered a “Review” practice and subject to cultural resources review regardless of its classification in the *Effects Document*.

D. Site Assessments of “Exempt” Practice Areas.

Practices classified as “Exempt” do not normally require field inspections for cultural resources by trained NRCS personnel; however, if a previously known cultural resource is present in an “Exempt” practice area or a cultural resource is encountered during normal planning activities, an on-site assessment by a CRS may be necessary.

7. Compliance Documentation

NRCS will use the following cultural resources compliance documentation to report and record activities pursuant to this agreement.

A. Cultural Resources Review Form, MS-CR-1

All NRCS practices classified as “Review” shall be documented on the *Mississippi Cultural Resources Review Form, MS-CR-1* (Attachment 3). These forms shall be submitted to the ACRC/CRS in accordance with steps detailed in the *NRCS Mississippi Cultural Resources Procedures Handbook* (Attachment 1). Copies of these forms (hard copy or electronic) shall be placed in the customer or project folder, and an electronic database containing the data collected in these forms shall be maintained at the State Office by the CRS.

B. Environmental Effects for Conservation Plans Form, MSEE-CPA-52 and Conservation Assistance Notes, CPA-6

All NRCS practices classified as “Exempt” shall be documented on the *Environmental Effects for Conservation Plans Form, MSEE-CPA-52*, or the *Conservation Assistance Notes, CPA-6*. Copies of the form (hard copy or electronic) shall be placed in the customer or project folder documenting that planned practices are classified as “Exempt.” Additionally, maps of the practice area for all “Exempt” practices with known cultural resources within or near the practice area shall be submitted to the ACRC/CRS for a state site file review.

C. Cultural Resources Survey Summary Form, MS-CR-2

All formal Cultural Resources Surveys conducted by the CRS shall be minimally documented on the *Mississippi Cultural Resources Survey Summary Form, MS-CR-2* (Attachment 4). These forms (hard copy or electronic) shall be maintained at the State Office by the CRS.

D. Cultural Resources Reports

(1) Cultural Resources Reports conforming to the standards set forth in MDAH’s *Guidelines* shall be submitted to MDAH for review of: 1) all undertakings that would result in a potential adverse effect to cultural resources, 2) Phase II testing projects, 3) Phase III data recovery projects, and 4) all work conducted by outside consultants.

(2) Interim Reports may be prepared and submitted to MDAH for review following the completion of field work and will provide sufficient information and adequate documentation for MDAH to assess the nature of the resource, evaluate the NRHP eligibility pursuant to 36CFR60.4 and determine appropriate resource management decisions. Final Reports shall be submitted within ninety (90) days of receipt of the Interim Report. Exceptions to this timeline may include unusually complex projects or Phase II or Phase III investigations. Timing for final submission of these reports shall be determined in consultation with MDAH.

E. Annual/Quarterly Summary Report of Cultural Resources Activities (Summary Reports).

(1) Regular reports prepared by the CRS and CRCs shall contain summary information in tabular and narrative form for all NRCS cultural resources activities documented on forms MS-CR-1 and MS-CR-2 and all Exempt activities forwarded to the ACRC/CRS for review. The frequency of these reports shall be dictated by workload and the nature of activities. Summary Reports shall minimally be prepared on an annual basis (submitted by March 1 for the previous calendar year or December 1 for the previous fiscal year) and no more frequently than each quarter (submitted no later than the quarter following the report period).

(2) Tabular information contained in the Summary Report may include the number and/or acres of: formal surveys conducted by the CRS or consultants, practices reviewed, cultural resources identified and eligibility determinations, practices altered to avoid cultural resources, withdrawals of assistance by NRCS, landowner withdrawals due to cultural resources, resources suffering adverse effects, or resources protected by beneficial effects. The tabular data may be arranged by county, practice type, effects classification or other relevant categories.

(3) Narrative information contained in the Summary Report may include: discussion of any of the tabular information, or avoidance measures implemented/proposed on cultural resources, treatment measures implemented/proposed on historic properties, or beneficial effects to cultural resources resulting from NRCS practices.

(4) The Summary Report shall also include information regarding the results of quality assurance reviews as set forth in Stipulation 11, and the results of NRCS employee training activities for the report period.

(5) Information of cultural resources management, research or methodological value may also be included in the Summary Report.

(6) Appropriate sections of USGS 7.5' topographic quadrangles and/or GIS shape files depicting surveyed areas, project locations and cultural resources locations will be submitted with the Summary Report.

8. Historic Buildings and Other Structures

If a building or other structure that is listed in or may be eligible for listing in the NRHP is within or near the practice area, the CRS shall consult the MDAH Chief Architectural Historian to determine if the proposed conservation practice would have any adverse effect upon the property. The CRS shall provide MDAH staff with information needed to make this assessment, and may arrange an on-site meeting if requested. If NRCS and MDAH concur that historic buildings and/or structures listed in or eligible for listing in the National Register may be adversely affected by the proposed conservation treatment, NRCS and MDAH shall consult to determine ways to avoid, minimize, or mitigate the adverse effects pursuant to 36CFR800.6.

9. Curation Arrangements

NRCS recognizes its stewardship responsibilities in maintaining the integrity of cultural materials recovered during cultural resources compliance activities. Cultural resources on private or public lands are the property of the landowner, and ultimate curation of the material is the responsibility of the land managing agency or the landowner. NRCS and MDAH shall develop a Curation Agreement to facilitate the final disposition of archaeological materials and associated records generated as a result of NRCS activities.

A. Cultural Resources Records.

NRCS shall maintain records resulting from all cultural resources activities carried out pursuant to this SLA at the State Office. Some records, such as Survey and Summary Reports shall also be routinely submitted to MDAH through the normal compliance process (See Stipulation 7). Associated artifact records for archaeological material curated at MDAH will be included with the collections.

B. Lead Agencies Other than NRCS and NRCS Activities on Federal Land.

Where NRCS is not the lead federal agency, or for projects taking place on federal land, curation shall be handled by the lead agency or management agency responsible for the land or in accordance with other written agreements.

C. Artifacts.

(1) NRCS shall ensure that all archaeological materials recovered from state property during the course of NRCS activities are provided for curation in the Archaeological Collections of MDAH, Historic Preservation Division.

(2) The disposition of archaeological materials recovered from Tribal lands shall be in accordance with agreements with the Tribal authorities.

(3) All archaeological materials collected during cultural resources activities on private property shall be maintained in accordance with 36CFR79 until analysis is complete. Private property owners shall be encouraged to donate the artifacts to MDAH. Final disposition of all archaeological materials recovered from private property shall conform to State law and be in accordance with prior agreements with private landowners.

10. Emergencies

NRCS shall follow MS601 Subpart E of the *Mississippi Cultural Resources Procedures Handbook* (Attachment 1) and the *NRCS National Cultural Resources Procedures Handbook* to ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible and consistent with rapidly changing priorities and circumstances common to emergencies.

11. Quality Assurance

A. Quality Assurance Reviews.

The ACRC/CRS shall conduct quality assurance reviews of field offices to evaluate understanding of and compliance with NRCS cultural resources policy and procedures in accordance with NRCS' State Quality Assurance Plan. In addition, Annual cultural resources spot checks shall also be coordinated with regular spot checks conducted on a sample of conservation practices installed in each field office. A report on NRCS cultural resources quality assurance reviews shall be included in the Summary Reports submitted to MDAH.

B. Monitoring.

MDAH may monitor activities carried out pursuant to this SLA, and the Council may be asked to review such activities by either party.

12. Items Not Covered in the Agreement

NRCS and MDAH agree that all matters not discussed in this SLA shall be handled in accordance with NRCS GM 420 Part 401, the Nationwide PA and/or Council regulations.

13. Amendment

Any signatory to this agreement may propose that it be amended or modified, whereupon the parties shall confer and consider such amendment. Any resulting amendment shall be executed in the same manner as the original agreement and require the agreement of all signatories.

14. Termination

Any signatory to this agreement may terminate it by providing written notice to the other parties with specific reasons for such termination. During a sixty (60)-day period following the notice, the signatories shall consult and attempt to resolve the issue(s) leading to the notice. If the signatories are unable to resolve the issues, termination shall occur at the end of the sixty (60)-day period. Under such termination, NRCS shall complete its Section 106 compliance for individual undertakings in accordance with the Council's regulations, 36CFR800.

15. Agreement Duration

This agreement shall remain in effect until revised by mutual written agreement between the signatories. Substantive changes in the Nationwide Programmatic Agreement that affect this document shall take precedence. This agreement is dependent upon regular, at least annual consultation among the signatories to review the adequacy of implementation of the agreement.

Footnote:

¹ Cultural Resources are not defined in any of the pertinent legislation. In NRCS, the term is used interchangeably to refer to any historic or archaeological property that has been identified during planning or to "historic properties" as defined by the ACHP regulations for compliance with section 106 of the NHPA. Historic properties include any prehistoric or historic district, site, building, structure or object listed in or eligible for listing in the National Register of Historic Places (maintained by the Secretary of the Interior). They also include all records, artifacts and physical remains associated with the historic properties.

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Signatories:

NATURAL RESOURCES CONSERVATION SERVICE

BY: Homer L. Wilkes Date: June 24, 2008
Homer L. Wilkes, Ph.D., State Conservationist

STATE HISTORIC PRESERVATION OFFICER

BY: H. T. Holmes Date: June 24, 2008
H. T. Holmes, Director
Mississippi Department of Archives and History

Attachment 1

NRCS Mississippi Cultural Resources Procedures Handbook

MS601 MISSISSIPPI CULTURAL RESOURCES PROCEDURES HANDBOOK

SUBPART A – General

MS601.00 – Purpose

The purpose of this document is to provide a procedural reference and guidance for NRCS personnel on processes for cultural resources consideration on private and state lands in Mississippi. Activities on state lands may also be subject to additional requirements of the managing state agency. Procedures for cultural resources activities on federal or tribal lands will be established in separate agreements negotiated with the land management agencies and tribal authorities, or on a case-by-case basis.

MS601.01 – Introduction & Overview

The Mississippi NRCS has developed a process to comply with requirements of the National Historic Preservation Act (NHPA) and 36CFR800. Our agency mission results in many small actions on private land in which federal involvement may be planning assistance, technical advice, project design, cost sharing, purchase of easements, and/or approval. NHPA requires that NRCS take into account the effects of its actions on historic properties.

Federal regulations, 36CFR800, identify how to comply with section 106 of NHPA. The Mississippi NRCS compliance process detailed in this handbook identifies the appropriate level of effort that is commensurate with the nature of potential effects and the degree of federal involvement. This process will meet NRCS's legal requirements and avoid adverse effects to significant cultural resources in Mississippi.

It is NRCS policy to consider cultural resources early in the planning process. This means that upon identification of an undertaking, a cultural resources review should be completed. If the information on potential cultural concerns is identified early, the undertaking can be designed to

avoid potentially significant resources or areas of potential cultural concern.

Completing the cultural resources review prior to initiating contracts or other commitments can prevent delays and contract modifications.

The compliance process works best when sufficient time is allowed for each step. Most cultural resources compliance reviews are completed upon a determination of negative results for the field inspection and site file review. However, if the site file review or field inspection results in the identification of cultural resources, a cultural resources survey may need to be conducted by a Cultural Resources Specialist (CRS).

The CRS will also evaluate the potential for cultural resources to be present within the Area of Potential Effect (APE) based on physiographic setting, the extent of previous disturbances, soils and geomorphology, and the distribution of previously recorded resources in the vicinity of the APE. If these factors indicate a high probability for undocumented cultural resources, a cultural resources survey may be necessary.

It is best to schedule archaeological survey during periods when bare ground is visible. At other times, ground preparation (such as disking previously plowed fields) or subsurface testing may be required. This adds time and cost to the undertaking. If the survey identifies cultural resources within the APE that can not be avoided, consultation with the Mississippi State Historic Preservation Officer (SHPO) is required. The SHPO has 30 days to comment on an undertaking. If the SHPO objects within the 30 days, NRCS must consult to determine the appropriate course of action. Consultation can be a lengthy process.

MS601.02 – Trained Personnel

Only NRCS employees

{or district employees, state employees, and contractors (including TSPs) conducting data gathering of cultural resources information for NRCS compliance needs}

who have completed the NRCS Cultural Resources Training Program Modules 1-8 may make decisions on determinations of undertakings, may conduct cultural resources field inspections, or may monitor construction. If trained personnel are not available, the Field Office should complete and submit the MS-CR-1 form directly to the Mississippi Cultural Resources Specialist.

SUBPART B – Procedures for Cultural Resources Consideration during NRCS Activities in Mississippi

MS601.10 – Step-wise Process

The following steps will be followed to ensure that effects of NRCS activities on cultural resources are thoroughly considered in the earliest planning stages and that protection of historic properties is accomplished as efficiently as possible.

- Step 1:** Determine if the NRCS practice is an undertaking requiring cultural resources review.
- Step 2:** Determine the Area of Potential Effect (APE).
- Step 3:** Determine if known cultural resources are in or near the APE.
- Step 4:** Conduct a field inspection for cultural resources.
- Step 5:** Avoid cultural resources.
- Step 6:** Evaluate the significance of cultural resources.
- Step 7:** Minimize or mitigate adverse effects on historic properties.

***Reminder:** Submit all cultural resources documentation as soon as possible before planning is complete.*

MS601.11 – Step 1: Determine if the NRCS practice is an undertaking requiring cultural resources review.

A. Identify **all** conservation practices to be implemented for a plan.

B. Consult the *Classification of Conservation Practice Effects on Cultural Resources* document (**Effects Document**) to determine the ranking of all planned practices. Conservation practices are classified as Review (**R**) or Exempt (**E**).

Cultural Resources consideration must be documented for **all** practices, but the level of cultural resources review and the need for on-site assessments by the CRS will vary based on the ranking of individual practices.

Land Leveling and Terraces:

Conservation Practices relating to land leveling and terracing must be submitted to the SHPO for individual review. These practices include: precision land forming (462), irrigation land leveling (464), dike (356), structure for water control (587), and terrace (600). Delineate the practice(s) area on a Conservation Plan Map or a GIS shape file and forward to the Cultural Resources Specialist (CRS). SHPO has up to 30 days to comment on individual requests for review.

C. A conservation or management system involving more than one type of practice covering the same geographic area is a Review practice if **any** practice within that area is classified as Review (R).

***Note:** Practices not covered by the “Classification of Conservation Practice Effects on Cultural Resources” document should be treated as Review (R) until an amendment is made placing the practice into the appropriate category.*

- *Notify the CRS if a practice is not listed in the Effects Document.*

D. After determining all practice effect classifications, proceed to **Step 2**.

MS601.12 – Step 2: Determine the Area of Potential Effect (APE).

A. Establish the **APE** by determining all direct and indirect impacts.

The **APE** is the geographic area or areas where NRCS planned activities may cause changes in the character or use of cultural resources.

The APE should encompass all lands that would be directly or indirectly affected by the proposed practice. For example, the APE should cover the “footprint” of the actual conservation practice/structure, as well as all access and haul roads, borrow areas, areas where spoil will be deposited, temporary storage areas, and staging areas. In some cases with very large or elevated projects, the APE may include visual effects beyond property lines. Other kinds of indirect effects may also need to be considered on a case-by-case basis.

B. After establishing the APE, proceed to **Step 3**.

MS601.13 – Step 3: Determine if known cultural resources are in or near the APE.

As early as possible, conduct a background review of available information to determine if previously known cultural resources are present in or near the APE.

Refer to the State Archaeological Site File Section Grid, the National Historic Landmarks (**NHL**) list, the National Register of Historic Places (**NRHP**) list, and the Mississippi Landmarks list to determine if a known archaeological site or historic property is located within the same Section, Township and Range as the proposed practice.

Note: Notify the ACRC or CRS if cultural resources are present within any practice area.

A. Exempt (E):

Document “E” practices on the *Environmental Effects for Conservation Plans and Area wide Conservation Plans (MSEE-CPA-52)* form, or on the Conservation Assistance Notes (**CPA-6**).

(1) If no known archaeological sites or historic properties are located within the Section, complete the cultural resources compliance process by making a note on the CPA-52 or CPA-6 form indicating, **“Practice(s) Exempt from Cultural Resources Review.”** File the completed form in the customer or project folder.

(2) If previously recorded cultural resources are identified within the same Section as the proposed practice area, delineate the practice(s) APE on a Conservation Plan Map or a GIS shape file and forward to the Area Cultural Resources Contact (**ACRC**) for a State Site Files review. The ACRC will determine if the site is within the APE of the practice. If the site is within or near the practice APE, the ACRC will forward the documentation to the CRS. The CRS will evaluate the potential practice effects to determine if an on-site assessment prior to the completion of planning is necessary. In some cases, a site assessment by the CRS will be required to document the nature and condition of the resource.

a.) If no site assessment is necessary, the evaluation by the CRS will complete the cultural resources compliance process. File the completed CPA-52 or CPA-6 form in the customer or project folder.

b.) If an on-site assessment by the CRS is required, the CRS will contact the appropriate NRCS personnel to arrange access to the practice area. The CRS will minimally document the results of the assessment by completing the *Mississippi Cultural Resources Survey Summary Form (MS-CR-2)*. File the completed form(s) in the customer or project folder. Updated site information will be recorded on the appropriate MDAH forms by the CRS.

The on-site assessment by the CRS will conclude the review process for “E” practices unless the CRS discovers there are unanticipated cultural resources concerns or there is a need to avoid the resource. In those situations, proceed to **Step 5**.

If unexpected discoveries are made prior to or during construction/implementation, see MS601 Subpart C – *Procedures for Construction Discoveries*.

B. Review (R):

(1) Check or contact the following sources and document the results on the *Mississippi Cultural Resources Review Form (MS-CR-1)*.

a.) Interview the owner/operator or others knowledgeable about the history of the area to determine if they are aware of cultural resources in or near the practice area.

b.) Check historical maps, aerial photos, soil surveys, USGS topographic quadrangle maps, old conservation plans, and other relevant sources for buildings and other cultural features (Indian mounds, old railroad grades, cemeteries, etc.) more than 50 years old that may have been located within or adjacent to the APE.

c.) Check the State Archaeological Site File Section Grid to determine if a known archaeological site is located within the same Section, Township and Range as the proposed practice.

d.) Check the cultural resources information file to see if the APE is near a Mississippi Landmark, an NHL, or an NRHP property.

(2) After completing the background review, proceed to **Step 4**.

Tip: Find a volunteer from the local historical or archaeological society to assist with background cultural resources reviews and setting up a cultural resources information file.

Important!! If a National Historic Landmark property will be affected by the undertaking, NRCS is required to notify the Secretary of the Interior/National Park Service pursuant to 36CFR800.10.

MS601.14 – Step 4: Conduct a field inspection for cultural resources.

A. Visually examine the practice area.

Early in conservation planning, walk over the APE looking for environmental and cultural indicators that suggest the presence of cultural resources, and document current land use.

Look for artifacts. For example; arrowheads, flakes/chips, Indian pottery, square nails, purple or dark green glass, historic ceramics), dark soils, shell accumulations, bone, rock outcrops, remains of historic buildings, earthen structures (such as, mounds, old roadbeds, civil war earthworks, etc.), cemeteries, or other evidence of cultural resources. If human remains or burial markers are discovered, follow procedures in MS601 Subpart D – *Procedures for the Discovery of Human Remains and Burial Markers*.

(1) In order to conduct a visual surface inspection for artifacts, the ground surface must have a minimum of 30% bare ground visible throughout the APE. If less than 30% bare ground is visible, MDAH’s *Guidelines for Archaeological Investigations and Reports in Mississippi* require systematic shovel testing. This type of survey must be conducted by a CRS. However, any areas of bare ground within the APE should be inspected when encountered (for example, log landings, skid trails, woods/field roads, erosion areas, bare patches in fields, tree-throws, animal burrows, etc.).

(2) If the practice APE is large (greater than 40 acres), you may submit the *Cultural Resources Review Form* (MS-CR-1) directly to the CRS prior to the field inspection. The

CRS will evaluate the need for a formal survey or recommend portions of the practice area for field inspection or monitoring.

NRCS personnel should expect that some of their activities will have cultural resources present, especially on uplands (ridge tips, benches or saddles), natural levees, terraces along broad floodplains and knolls within floodplains.

***Rule of thumb:** If it looks like a good place to live or camp to you, it is possible that someone in the past thought the same thing. Be sure to thoroughly check these areas for cultural material. Remember, the landscape and land use has changed over time, however, and cultural resources may be found in unexpected places.*

B. Document Results.

Document the results of the field inspection (*either positive or negative*) on the *Mississippi Cultural Resources Review Form* (MS-CR-1), and forward to the ACRC for a Mississippi State Site Files review.

***Tip:** Include photographs of the practice area to document previous disturbance, or to record potential historic above ground features. Photographs of the general landscape conditions are not required, but can be useful for cultural resources evaluation.*

C. Site File Review.

The ACRC will check the practice area against the Mississippi State Site Files to determine if previously recorded cultural resources are within or near the practice area. The ACRC will then forward the documentation to the CRS for evaluation.

Proceed with Planning if:

A. No archaeological sites are listed in the Mississippi Archaeological Site File Section Grid within the same Section, Township, and Range as the proposed practice, and no NHL, NRHP or Mississippi Landmark properties are located within or near the APE.

and;

B. No cultural resources are found during the field inspection,

and;

C. One or more of the following:

- 1) There is Good to Moderate (100-30%) bare ground surface visibility, or;
- 2) The practice is located on a Slope greater than **10%** vertical gradient, or;
- 3) Soils in the practice area consist of heavy clay or are poorly-drained gley soils, or;
- 4) Area is severely eroded or deflated, or orange clay subsoil is evident at the surface, or;
- 5) The disturbance that will be caused by the practice will not exceed the depth of previous disturbances (e.g., existing normal plowzone – not subsoiler/chisel plow depth), or;
- 6) The area of potential disturbance is of minimal size (less than 1 acre or a narrow, linear area of disturbance like a pipeline trench).

- Indicate the decision to proceed with planning in the “Additional Comments” field on the MS-CR-1 form and describe which conditions under “C” above were met.

- If the decision to proceed with planning is made by the field office, the ACRC/CRS will not notify the field office of the outcome of the site file review unless a potential cultural resources concern is discovered by the ACRC/CRS.

D. Outcome of Field Inspection and Review.

The results of the field inspection and site file review will result in either no cultural resources identified or cultural resources identified within or near the APE.

(1) No Cultural Resources identified

If cultural resources have not been previously identified within or near the APE, and no cultural resources were located during the field inspection, the CRS will assess the need for a formal cultural resources survey. The CRS will take into account physiographic setting, soils and geomorphology, the extent of previous physical disturbance, the distribution of previously recorded resources in the vicinity of the APE, and other relevant factors to make a professional evaluation as to the potential of the APE to contain undocumented cultural resources and the need for a cultural resources survey.

a.) If no previously identified cultural resources are located within or near the APE, and the CRS determines that the APE has little or no potential to contain cultural resources, the determination by the CRS will complete the cultural resources review process. File the completed form and proceed with planning.

b.) If the CRS determines that the APE has the potential to contain previously unrecorded cultural resources, a cultural resources survey will be conducted pursuant to MS601.14(E) *Cultural Resources Survey*, or the CRS will recommend monitoring of the APE during practice implementation.

(2) Cultural Resources identified

Cultural resources within or near the APE may be discovered during the NRCS field inspection and/or during the Mississippi State Site Files review process.

a.) Cultural Resources discovered during the NRCS field inspection.

i.) If a cultural resource is present within the APE, mark the precise location of the resource on the Plan Map, a USGS 7.5

minute topographic quadrangle, aerial photograph, or a GIS shapefile. If a GPS receiver is available, record the approximate center of the cultural resource location/artifact scatter with a GPS waypoint (Latitude/Longitude or UTM coordinates). Otherwise, flag the location of the material and leave flags in the field.

ii.) Collect a small sample of artifacts only with landowner permission and if you document the precise location of the find; or if there is an immediate threat to the resource. Keep artifacts from different locations bagged separately and label each bag with a unique designation (such as, the farm, tract and field numbers and county).

iii.) Photograph any visible features (dark soil stains, dense artifact concentrations, or other above ground historic features).

iv.) The CRS will contact appropriate NRCS personnel to arrange an on-site assessment to document the resource prior to the completion of planning. Proceed to **Step 5**.

b.) Previously Recorded Cultural Resources.

i.) If previously recorded historic properties (sites listed in or eligible for listing in the National Register) are identified by the ACRC within or adjacent to the APE, the CRS will contact appropriate NRCS personnel to arrange an on-site assessment to document the resource prior to the completion of planning. Proceed to **Step 5**.

ii.) If cultural resources previously considered ineligible or known resources that have not been evaluated for National Register eligibility are found to be within or near the APE, the CRS will consider the need for an on-site assessment on a case-by-case basis. The nature of the resource, level of previous documentation, and other relevant factors will be considered when making a determination on whether to revisit previously recorded resources. For example, single artifact occurrences or light artifact scatters with previously well-documented disturbances will not normally be revisited.

(A) If a site visit is not required, the determination by the CRS will complete the cultural resources review process. File the completed form in the customer or project folder, and proceed with planning.

(B) If a site visit is necessary, the CRS will contact appropriate NRCS personnel to arrange an on-site assessment to document the resource prior to the completion of planning. Proceed to **Step 5**.

E. Cultural Resources Survey

All formal cultural resources surveys conducted by the CRS will be minimally documented on the *Mississippi Cultural Resources Survey Summary Form* (MS-CR-2). The CRS will contact appropriate NRCS personnel to arrange access to the area to conduct the cultural resources survey. Survey methodology will conform to MDAH's *Guidelines for Archaeological Investigations and Reports in Mississippi*.

a.) If no cultural resources are identified during the cultural resources survey, the investigation will be documented by the CRS on the *Mississippi Cultural Resources Survey Summary Form* (MS-CR-2). A copy of the *Mississippi Cultural Resources Survey Summary Form* (MS-CR-2) along with the completed *Mississippi Cultural Resources Review Form* (MS-CR-1) will be returned to be included in the customer or project folder. Planning may proceed upon receipt of the cultural resources documentation.

b.) If cultural resources are identified during the Cultural Resources Survey within the APE, proceed to **Step 5**.

Note: New and updated information for all cultural resources identified during NRCS field inspections and cultural resources surveys will be recorded by the CRS on the appropriate forms and submitted to MDAH.

MS601.15 – Step 5: Avoid cultural resources.

A. With involvement of the CRS and the landowner, avoid the cultural resource by:

- (1) Moving the practice to an alternative location,
- (2) Changing to a conservation practice that will not have an adverse effect on the cultural resource, or
- (3) Redesigning the work limits of the conservation practice to maintain a buffer of at least 50 feet around the cultural resource.

B. If cultural resources can be avoided through project modification, the proposed actions may proceed without direct consultation with MDAH. All avoidance measures completed during a given period will be documented in the *Mississippi NRCS Summary Report of Cultural Resources Activities*.

C. Most NRCS actions with cultural resources present within the APE will come to this conclusion.

D. If a cultural resource site cannot be avoided, proceed to **Step 6**.

MS601.16 – Step 6: Evaluate the significance of cultural resources.

A. In some situations the cultural resource may lay precisely where the conservation activity must occur. In these instances the CRS, with the assistance of MDAH and other consulting parties, will determine if the resource is eligible for listing in the National Register of Historic Places (NRHP). The CRS will make recommendations regarding NRHP eligibility and effects to cultural resources and submit documentation with these findings to MDAH and other consulting parties for review and comments. The CRS will provide sufficient documentation for MDAH and other consulting parties to make an eligibility determination and evaluate the effects of the proposed undertaking on historic properties. Documentation will

minimally conform to MDAH's *Guidelines for Archaeological Investigations and Reports in Mississippi* and 36CFR800.11. MDAH shall provide written comments within thirty (30) calendar days of receipt for all requests for review of findings and determinations.

(1) If all parties concur that the NRHP criteria are **not** met, the cultural resource will be considered **ineligible**. A copy of the final cultural resources documentation will be maintained at the NRCS State Office and a copy of the MDAH concurrence letter will be returned to be included in the customer or project folder. Planning may proceed upon receipt of the concurrence letter.

(2) If there is disagreement among the consulting parties regarding NRHP eligibility and that disagreement cannot be resolved, NRCS will obtain a formal determination of eligibility from the Keeper of the National Register.

(3) If all parties concur that any of the NRHP criteria are met, the cultural resource will be considered NRHP **eligible** (that is, an **historic property**). NRCS will continue to work with the landowner, MDAH and other consulting parties as described in **STEP 5** to develop and evaluate alternatives or modifications to the undertaking to avoid effects to historic properties.

B. If the landowner chooses not to change or modify the conservation practice to avoid the historic property, NRCS may withdraw assistance. This is a decision of the State Conservationist. Withdrawal of assistance for cultural resources purposes will follow procedures detailed in Section 601.27 of the *National Cultural Resources Procedures Handbook*. If the decision is made to withdraw NRCS assistance, NRCS will inform the participant within five (5) working days of the decision, including in the notification the specific reasons for withdrawal. NRCS is mandated by law to ensure that federally assisted conservation activities will not adversely affect historic

properties without first considering these effects and consulting with MDAH and other interested parties.

C. If the landowner chooses to minimize or mitigate effects rather than avoid the historic property, and NRCS decides to continue assistance, proceed to **Step 7**.

MS601.17 – Step 7: Minimize or mitigate adverse effects on historic properties.

A. NRCS, MDAH, the landowner, and other consulting parties will apply the Criteria of Adverse Effect pursuant to 36CFR800.5 and continue to consult to seek a solution that accommodates the needs of all concerned, serves the public interest, and ideally promotes the protection and enhancement of historic properties.

B. NRCS will notify the Advisory Council on Historic Preservation (**Council**) and other consulting parties of an adverse effect finding by providing the documentation specified in 36CFR800.11(e). Copies of the documentation will be provided to the landowner and other consulting parties subject to the confidentiality provisions of 36CFR800.11(c). The Council shall advise NRCS within fifteen (15) days of receipt of the notice whether it will participate pursuant to 36CFR800.6(a)(1)(iii)

C. The range of actions that can be taken to minimize or mitigate adverse effects is considerably broad and may include; altering the design or location of the project, limiting the magnitude of the project, adopting a planned program of preservation and maintenance, rehabilitating or moving historic properties, documenting the historic property prior to destruction (includes architectural, engineering, historical and archaeological documentation), or recovering data from an archaeological site through controlled excavation before the conservation practice is installed.

D. Most conservation assistance will not require this step because site evaluation and mitigation costs can be substantial. The State Conservationist is responsible for deciding when technical assistance (TA) or financial assistance (FA) funds are to be used for complying with Section 106. The NRCS General Manual, Part 401 and National Bulletin 390-5-7 provide guidance regarding the use of program TA and FA funds for cultural resources compliance activities.

E. Resolution of Adverse Effects.

(1) If after notification the Council chooses not to participate in consultation, and NRCS, MDAH and other consulting parties agree on how the adverse affects will be resolved, the consulting parties will develop and sign a Memorandum of Agreement (MOA). The executed MOA will be maintained at the NRCS State Office and a copy will be filed with the Council prior to approval of the undertaking. The MOA provides documentary evidence that NRCS has met the requirements of Section 106, and

governs the undertaking and all of its parts. NRCS will ensure that the undertaking is carried out in accordance with the MOA. Construction/implementation may proceed upon satisfactory completion of the mitigation measures specified in the MOA.

(2) If the Council chooses to participate in consultation, the Council will be a signatory of the MOA.

(3) If agreement cannot be reached among NRCS, MDAH, the landowner, and/or other consulting parties on measures to resolve adverse affects,

a.) NRCS may withdraw assistance from the undertaking following procedures in Section 601.27 "Procedures for the Withdrawal of Assistance" of the *National Cultural Resources Procedures Handbook*, or

b.) If NRCS chooses to continue assistance due to special circumstances, follow procedures detailed in Section 601.26 of the *National Cultural Resources Handbook*.

SUBPART C – PROCEDURES FOR CONSTRUCTION DISCOVERIES

MS601.20 – General

The following procedures apply to all discoveries excluding human remains and burial markers that occur while carrying out any NRCS activity that has the potential to cause effects to cultural resources.

- A. The procedures in MS601 Subpart B must have been completed before a discovery situation exists. If those responsibilities have not been completed, this section does not apply.
- B. If human remains or burial markers are found during construction/implementation; follow the procedures in MS601 Subpart D - *Procedures for the Discovery of Human Remains and Burial Markers*.
- C. NRCS may, at its discretion, assume that any cultural resource discovered during construction is NRHP eligible for purposes of this section.
- D. New and updated information for all cultural resources identified during construction will be recorded by the CRS on the appropriate forms and submitted to MDAH.

MS601.21 – Discoveries prior to construction

If new information becomes known prior to commencing construction or known historic properties will be affected in unanticipated ways, NRCS will consult with MDAH and other consulting parties to determine eligibility and/or consider effects to historic properties.

- A. If construction/implementation is not scheduled to commence within 90 days of the discovery, procedures will follow those discussed under section MS601.16.
- B. If the proposed implementation date is within 90 days of the discovery, follow procedures in section MS601.22.

MS601.22 – Discoveries after commencing construction

If previously unidentified archaeological remains or other cultural resources are discovered after commencing construction, NRCS will complete the following steps:

Step 1: Stop work immediately and protect the cultural resource.

Request that all activities cease in the immediate vicinity of the discovery (a 50 foot buffer is appropriate) and call the CRS and your supervisor.

It may be appropriate to cover the discovery with plastic sheeting and mark the area with flagging or other appropriate markers to protect the resource prior to an on-site assessment by the CRS, especially if more than 24 hours will elapse between discovery and the CRS visit. Take photographs (include a scale) if there are immediate threats to the integrity of the discovery. Do not remove artifacts or rebury the discovery.

In the event that the action affecting the resource is not halted, consider immediately suspending assistance, and inform the landowner and sponsor that continuing to affect the resource may result in withdrawal of NRCS assistance.

Step 2: CRS will conduct an on-site assessment.

The CRS or ACRC will notify MDAH and other consulting parties within 48 hours of the discovery. The CRS will attempt to contact MDAH prior to the site assessment and request that an appropriate MDAH staff member accompany the CRS for an on-site inspection.

- A. If an MDAH Staff member is available to accompany the CRS, the resource will be evaluated in the field to the extent feasible. If the CRS and MDAH staff member agree that the newly discovered cultural resource is clearly **not** NRHP eligible, construction

may resume. Examples of archaeological remains considered clearly ineligible for this evaluation are isolated artifact finds and low density scatters of artifacts restricted to the ground surface or disturbed upper soil horizons (plowzone, etc.) with little potential for intact subsurface features or deposits. The results of the site visit will be documented in a brief report, and submitted to MDAH and other consulting parties. If the resource requires further evaluation or is considered potentially eligible proceed to **STEP 3**.

B. If an MDAH staff member cannot visit the site, the CRS will report the results of the site visit to MDAH and other consulting parties to determine what actions need to be taken. Preference will be given to avoiding or minimizing further disturbance to the resource. The level of documentation required for reporting will be negotiated during this time. Proceed to **STEP 3**.

Step 3. Evaluate the Discovery.

MDAH and other consulting parties will be provided with documentation that minimally describes NRCS's assessment of the National Register eligibility of the discovery and proposed actions to resolve adverse effects. MDAH will respond within 48 hours of the notification.

A. If all parties concur that the cultural resource is **not** eligible, a copy of the final cultural resources documentation will be returned to be included in the customer or project folder. Construction/implementation may proceed upon notification from the CRS.

B. If all parties concur that the surviving portion of the site is NRHP eligible and the resource can be avoided through project modification, the avoidance measures will be documented and submitted to MDAH and other consulting parties. A copy of the final cultural resources documentation will be returned to be included in the customer or project folder. Construction/implementation may proceed upon notification from the CRS.

C. If all parties concur that the surviving portion of the site is NRHP eligible and cannot be avoided, proceed to **STEP 4**.

Step 4. Minimize or mitigate adverse effects on historic properties.

NRCS, MDAH, the landowner, and other consulting parties will continue to consult to seek a solution to minimize or mitigate further adverse effects to the historic property.

A. If data recovery is determined to be the preferred mitigation option, an MOA will be developed based on the Council's *Recommended Approach for Consultation on the Recovery of Significant Information from Archeological Sites*

B. If project effects are minimized without data recovery, an MOA will be developed outlining the responsibilities of all affected parties.

C. Other solutions may be negotiated among consulting parties as appropriate.

SUBPART D – PROCEDURES FOR THE DISCOVERY OF HUMAN REMAINS AND BURIAL MARKERS

MS601.30 – General

The following procedures apply to all discoveries of human remains and burial markers while carrying out any NRCS activity that has the potential to cause effects on cultural resources.

NRCS will follow the principles set forth in the revised Advisory Council on Historic Preservation (ACHP), *Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects* (revised February 23, 2007) in making decisions about the identification and treatment of burial sites, human remains, and funerary objects.

MS601.31 – Planning discoveries.

If human remains or burial markers are found during planning, record their exact location within the APE and document the finding on the *Mississippi Cultural Resources Review Form* (MS-CR-1).

A. Burial Markers: If burial markers (headstones, footstones, grave depressions or other indications of a burial site) are located, modify the practice area or propose an alternative practice to avoid potential impacts. Establish a 50 foot buffer between the boundary around the burial markers and any proposed practice related ground disturbance. Forward the completed *Mississippi Cultural Resources Review Form* (MS-CR-1) to the ACRC for review according to Subpart B - *Procedures for Cultural Resources Consideration during NRCS Activities in Mississippi*.

B. Human Remains: If human remains are found within a proposed practice area, call the CRS and your supervisor.

(1) If the remains are clearly of recent origin, contact the county coroner, sheriff, and/or board of supervisors immediately.

(2) If the remains are not of recent origin, the CRS will evaluate the discovery to determine the nature and approximate age of the remains.

(3) If the remains are in a disturbed context (for example, the surface of a cultivated field), not associated with an identifiable burial, and the proposed practice effects will not extend below existing ground disturbances, the remains will be examined by the CRS and left in situ.

(4) If the remains are located on an archaeological site [individual burials are considered archaeological sites under MDAH's *Guidelines*.], measures will be taken to protect and avoid the site as outlined in Section MS601.15; Step 5: Avoid cultural resources.

MS601.32 – Construction discoveries

If human remains or burial markers are found during construction/implementation, request that all activities cease in the immediate vicinity of the discovery and call the CRS and your supervisor. A 50 foot buffer around the discovery is appropriate if no additional indications of human remains or burial markers are present. However, activities should be halted in any nearby area reasonably suspected to overlie adjacent human remains or graves.

A. Burial markers: If burial markers (headstones, footstones, grave depressions or other indications of a burial site) are encountered during construction/implementation, the CRS will work with all interested parties to establish an adequate buffer around the cemetery. Once an appropriate boundary is established, planning or construction may resume. Temporary fencing, flagging or others markers may be necessary to delineate the cemetery boundaries during construction/

implementation. Earthmoving activities near the cemetery boundary may require monitoring to ensure that additional grave sites are not disturbed.

B. Human Remains: If human remains are encountered during construction/implementation,

(1) If the remains are clearly of recent origin, contact the county coroner, sheriff, and/or board of supervisors immediately.

(2) If the remains are not of recent origin but are determined by the CRS to be non-Native American or there is a question as to their age and/or origin, contact the county coroner, sheriff, and/or board of supervisors within 24 hours of the discovery to begin

consultation regarding the treatment of the remains.

(3) If the remains are determined by the CRS to be Native American, the CRS will contact MDAH and other consulting parties within 24 hours of the discovery to develop an appropriate plan for treating the remains.

(4) NRCS personnel and the cooperator will take appropriate measures, such as erecting protective fences or barriers to protect the remains until the plan for treating the remains is completed.

(5) Construction activities at the site can recommence only after NRCS, MDAH and other consulting parties agree that the plan for treating the remains has been properly implemented.

SUBPART E – PROCEDURES FOR THE CONSIDERATION OF CULTURAL RESOURCES DURING EMERGENCY WORK

MS601.40 – General

NRCS shall use the following procedures to ensure that the need to protect life and property in an emergency is accomplished while taking cultural resources into account to the maximum extent possible and consistent with rapidly changing priorities and circumstances common to emergencies.

MS601.41 – Exigent situations.

A. Exigency situations are those that are completed within 30 to 40 days of fund obligation.

B. NRCS shall notify the SHPO and Tribes of funds obligated for exigency situations within 10 days of the disaster event or 2 days after access is permitted to damaged areas. This notification will include the types and amount of funds obligated, circumstances creating the urgent and compelling situation, work to be undertaken, and any consideration of historic properties, as appropriate. NRCS will document and avoid adverse effects to cultural resources discovered during exigency work to the fullest extent practicable.

MS601.41 – Non-exigent situations

A. Non-exigency situations are those that are completed within 220 days of fund obligation.

B. For non-exigencies, NRCS must prepare the project information in the form of Damage Survey Reports (DSR) for funding approval. Trained NRCS personnel will conduct a field inspection of the APE during project evaluation. The CRS/ACRC will review the DSRs and check the project locations against the Mississippi State Site Files to determine if previously known cultural resources are located within the DSR area.

(1) If the field inspection and review fails to locate cultural resources within the DSR area, and the CRS determines that the DSR area has little or no potential to contain cultural resources; the finding will be documented in a memo to the engineering staff.

(2) If cultural resources are discovered during field inspection, the CRS will be notified. The CRS will conduct an on-site assessment to document and evaluate the resource.

(3) If the review by the CRS locates previously known cultural resources or indicates high probability for cultural resources in the DSR area, a CRS will be involved in assessing potential effects to those properties and plan methods to avoid effects to the resource. If project effects cannot be avoided, the CRS will evaluate the cultural resources and notify MDAH for a five (5) day expedited review. The State Conservationist will make a final decision on implementing the undertaking based on the CRS evaluation, consultation on an appropriate course of action with MDAH and other consulting parties, and the need to protect life and property.

MS601.42 - Reporting

All emergency measures completed during a given period under this section will be documented in the *Mississippi NRCS Summary Report of Cultural Resources Activities* or in a summary report for the particular emergency.

Attachment 2

Classification of Conservation Practice Effects on Cultural Resources

CLASSIFICATION OF CONSERVATION PRACTICE EFFECTS ON CULTURAL RESOURCES IN MISSISSIPPI

The National Historic Preservation Act (NHPA) and 36 CFR 800 require that NRCS take into account the effects of its undertakings on historic properties.

The term **undertaking** is defined in 36CFR800.16(y) as:

“...a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.”

Historic properties are cultural resources (sites, objects, buildings, structures) that qualify for listing in the National Register of Historic Places (NRHP).

In order to identify which NRCS actions will qualify as undertakings for the purposes of determining their potential effects on cultural resources, Mississippi conservation practices have been classified as Review (R) or Exempt (E) – ***Table 1***. The criteria for classification are the potential for the practice to adversely affect significant cultural resources. A conservation or management system involving more than one type of practice covering the same geographic area is a “Review” practice if any practice within that area is classified as a “Review.”

Mississippi conservation practices are identified in the NRCS Mississippi Field Office Technical Guide (FOTG) <http://www.nrcs.usda.gov/technical/efotg/index.html>. Classifications are based on General Manual 420 part 401.40 through 420 part 401.42 and the practice descriptions found in Section IV National Practice Standards and Mississippi Practice Specifications of the FOTG.

Some practices are listed in Table 1 twice (**highlighted in gray**) because they may be carried out using different methods. For example, *Tree/Shrub Site Preparation* (490) may be accomplished through the use of chemical (Exempt) or mechanical (Review) methods. Follow the procedures for the methods appropriate to the planned practice.

Review (R): Conservation practices that have the potential to affect cultural resources when installed according to standard NRCS criteria are considered “Review” practices. Normally, any heavy equipment use, ground disturbance, land clearing, or new construction is included in this category. The effects can be immediate (an effect caused by the installation process) or distant (an effect that occurs at a later time as a result of the practice installation), and direct (an effect that impacts the resource) or indirect (an effect that can reasonably be expected to occur as a result of installation). Practices that are classified as “Review” require a cultural resources review and evaluation to determine if historic properties are located within or near the Area of Potential Effect. All “Review” practices must be documented on the MS-CR-1 form and submitted to the CRS/ACRC for review.

Exempt (E): Conservation practices that have no potential or only minor potential to cause adverse effects to cultural resources are considered “Exempt.” These practices are generally management related, do not have any or only minimal physical effects, and/or do not alter cultural resources. “Exempt” practices may, however, alter land use or ground cover conditions at cultural resources locations. Some of these practices may actually provide beneficial effects such as improving soil cover stability. A background review of the archaeological site files section data and NRHP listings should be conducted for all “Exempt” practices. For practices that are classified as “Exempt,” a statement should be included on the MSEE-CPA-52 form in the Comments field, or the Conservation Assistance Notes (CPA-6) to document that cultural resources were considered and the practice determined to be “Exempt” from further review.

TABLE 1. CONSERVATION PRACTICE DESCRIPTIONS & CLASSIFICATION OF PRACTICE EFFECTS ON CULTURAL RESOURCES. (FY 2008)

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Above Ground Multi-Outlet Pipeline	Ft.	431	A water distribution tubing consisting of aluminum, PVC, or lay-flat polyethylene pipeline with closely spaced orifices or gates.	Aluminum, PVC or polyethylene pipelines are installed on the surface for irrigation.	Exempt	
Access Road	Ft.	560	A travel way constructed as part of a conservation plan.	Earth shaping and grading, vegetation removal, placement of gravel, culverts, berms, etc.	Review	
Agrichemical Mixing Center	Ea.	702	A permanent structure with an impervious surface to provide an environmentally safe area for the handling of on-farm agrichemicals, such as pesticides and fertilizers, that are used in spraying operations on cropland, orchards, lawns, and other vegetated areas.	Removal of vegetation, site grading, placement of concrete and/or building	Review	
Amendments for Treatment of Agricultural Waste	AU	591	Treatment of manure, process wastewater, storm water runoff from lots or other high intensity areas, and other wastes, with chemical or biological additives.	Use of a chemical or biological amendment to treat waste.	Exempt	
Animal Mortality Facility	No.	316	An on-farm facility for the treatment or disposal of livestock and poultry carcasses.	May be the same as 317 (Composting Facility), or may involve excavation of a burial pit - minimum 4 feet wide and depth must accommodate a minimum of 2 feet of cover over the mortality.	Review	
Aquaculture Ponds (Construction)	Ac.	397	A water impoundment constructed and managed for commercial aquaculture production.	Soil is excavated 18" - 8 or more feet in depth from an area and spoil material is generally placed and shaped nearby.	Review	
Aquaculture Ponds (Water Management)	Ac.	397	A water impoundment constructed and managed for commercial aquaculture production.	Using the "6/3 drop fill scheme" of water level management	Exempt	
Bedding	Ac.	310	Plowing, blading, or otherwise elevating the surface of flat land into a series of broad, low ridges separated by shallow, parallel dead furrows.	Earthmoving with heavy equipment to form ridges and furrows. Usually in poorly drained areas.	Review	
Brush Management (Heavy Equipment)	Ac.	314	Managing and manipulating stands of shrubs and short, scrubby trees on pastureland or recreation and wildlife areas by mechanical means using heavy equipment.	Use of a dozer or other heavy equipment to scrap vegetation away.	Review	
Brush Management (Non-Heavy Equipment)	Ac.	314	Managing and manipulating stands of shrubs and short, scrubby trees on pastureland or recreation and wildlife areas by mechanical, chemical, or biological means or by prescribed burning.	Removal of non-herbaceous plants by chemical, biological or prescribed burning. Vegetation can be mechanically removed with a mower, chopper, or offset disk.	Exempt	
Channel Bank Vegetation	Ac.	322	Establishing and maintaining adequate plants on channel banks, berms, spoil and associated areas.	Hand planting or seeding material along disturbed channel banks	Exempt	
Channel Stabilization	Ft.	584	Stabilizing the channel of a stream with suitable structures.	Heavy construction equipment is generally used and concrete or metal structures are placed into the natural channel bottom and/or sidewalls to control grade and/or flow.	Review	
Clearing and Snagging	Ft.	326	Removing snags, drifts, or other obstructions from a channel or along channel banks.	Construction equipment is used to pull fallen or leaning trees from streams, creeks and drainage ditches or along banks. Sand bars and debris piles are removed with heavy equipment such as an excavator.	Review	Be aware of the potential for cultural resources such as fishweirs, historic mill sites, submerged vessels, etc.
Closure of Waste Impoundments	No.	360	Closure of treatment lagoons and waste storage ponds that are no longer used for their intended purpose.	Removing waste by transferring to land by pumping with irrigation equipment or manure spreaders; or dredging, stockpiling, draining and spreading.	Exempt	

Practices in gray may be carried out using different methods.
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Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Composting Facility	No.	317	A facility for the composting of the normal daily mortalities from a poultry or livestock operations.	Usually, site is graded and shaped, and a concrete pad with roof and sides is constructed. Approximately 10 to over 40 feet in length and/or width.	Review	
Conservation Cover	Ac.	327	Establishment and maintenance of perennial vegetative cover to protect soil and water resources on land retired from agriculture production.	Planting permanent vegetative cover of grasses, legumes, trees or shrubs.	Exempt	May be used to conserve and stabilize archaeological sites.
Conservation Crop Rotation	Ac.	328	An adapted sequence of crops designed to provide adequate organic residue for maintenance or improvement of soil tilth.	Normal planting of annual crops using farm equipment	Exempt	
Constructed Wetland	Ac.	656	Wetland designed and constructed for the primary purpose of water quality improvement.	Same as Dike (356) and Structure for Water Control (587)	Review	
Contour Buffer Strips	Ac.	332	Narrow strips of permanent, herbaceous vegetative cover established across the slope and alternated down the slope with parallel, wider cropped strips.	Planting protective cover on sloping farmland, to prevent erosion.	Exempt	
Contour Farming	Ft.	330	Farming sloping land in such a way that preparing land, planting, and cultivating are done on the contour. (This includes following established grades or terraces or diversions.)	Normal planting of annual crops using farm equipment	Exempt	
Cover and Green Manure Crop	Ac.	340	A crop of close-growing grasses, legumes, or small grain grown primarily for seasonal protection and soil improvement. It usually is grown for one year or less, except where there is permanent cover as in orchards.	Normal planting of annual crops using farm equipment.	Exempt*	*If chiseling used to prepare seedbed, treat this practice as an Review (R)
Critical Area Planting	Ac.	342	Planting vegetation, such as trees, shrubs, vines, grasses, or legumes, on highly erodible or critically eroding areas (does not include tree planting mainly for wood products.)	These areas are highly disturbed, eroded areas to begin with. Farm or heavy equipment is used to shape the area before planting vegetation.	Review	
Dam	No. and Ac. Ft	402	An artificial barrier that can impound water for one or more beneficial purposes.	Extensive earthwork is conducted to remove trees, and construct dam and associated pool area. Permanent water is impounded behind dam.	Review	
Deep Tillage	Ac.	324	Performing tillage operations below the normal tillage depth to modify the physical or chemical properties of the soil.	Tillage equipment such as chisels, subsoilers, or rippers can go as deep as 24".	Review	Chisels - 6 to 8 inches Subsoilers - 8 to 24 inches
Dike	Ft.	356	An embankment constructed of earth or other suitable materials to protect land against overflow or to regulate water.	Heavy farm or construction equipment is used to place soil into a berm 2 - 6 feet high or higher and 4 - 10 feet wide or wider. Soil may be excavated from a nearby source or adjacent to Dike.	Review**	**Must be submitted to SHPO for review if planned as pads & pipes
Diversion	Ft.	362	A channel constructed across the slope with a supporting ridge on the lower side.	Heavy farm or construction equipment is used to excavate a channel and push soil up into a berm 2 - 6 feet high or higher and 4 - 10 feet wide or wider.	Review	
Dry Hydrant	Ea.	432	A non-pressurized permanent pipe assembly system installed into water source that permits the withdrawal of water by suction.	Installation of pipeline into a ready water source. Use of ditch witch if possible.	Review	
Early Successional Habitat Development/Management	Ac.	647	Manage early plant succession to benefit desired wildlife or natural communities.	Plantings of native grasses.	Exempt	
Fence	Ft.	382	Enclosing or dividing an area of land with a suitable, permanent structure that acts as a barrier to livestock, big game, predators, or people.	Posts are installed into the ground by drilling a 4"-6" diameter hole 2-3 feet deep approximately 8-12 feet apart. Post can be driven into the ground instead of drilling. Fences may be from a few hundred feet to several thousand feet in length.	Exempt	

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Field Border	Ft.	386	A strip of perennial vegetation established at the edge or around the perimeter of a field.	Field border 20 to 35 feet wide planted to permanent grass or clover or allowed to establish by natural revegetation.	Exempt	
Filter Strip	Ac.	393	An area of vegetation for removing sediment, organic matter, and other pollutants from runoff and wastewater.	Crop field may be planted to grass or trees along a crop field may be removed and planted to grass. May be 10 to 99 feet wide.	Exempt*	*Treat as a Review (R) if Tree/Shrub Site Prep (Mechanical) or Grading/Shaping is required.
Firebreak (New construction)	Ft.	394	A strip of bare land or vegetation that retards fire.	Creating a new firebreak by disking or shallow-plowing.	Review	
Firebreak (Use of existing features)	Ft.	394	A strip of bare land or vegetation that retards fire.	Use of existing roads, trails, or streams as firebreaks.	Exempt	
Fishpond Management	No.	399	Developing or improving impounded water to produce fish for domestic use or recreation.	Regulating water flow, feed, and forage in a pond.	Exempt	
Forage Harvest Management	Ac.	511	The timely cutting and removal of forages from the field as hay, greenchop, or ensilage.	Hayland Management.	Exempt	
Forest Harvest Trails and Landings	Ac.	655	A route, travel-way or cleared area within a forest.	Installation of paths and walkways.	Review	
Forest Stand Improvement (Chemical/Hand Tools)	Ac.	666	Removing unmerchantable or undesirable trees, shrubs and/or vines from wooded areas.	Undesirables may be cut with chain saw and left on ground or injected with poison and left standing.	Exempt	
Forest Stand Improvement (Cutting/removal with heavy equipment)	Ac.	666	Removing unmerchantable or undesirable trees, shrubs and/or vines from wooded areas.	Undesirables cut and/or removed with forest harvest equipment.	Review	
Grade Stabilization Structure	No.	410	A structure used to control the grade and head cutting in natural or artificial channels.	A metal pipe with a water control device would be installed through an earth embankment. Embankment could be from 2 - 6 or more feet high, 8 - 10 feet or more wide and several feet or more long. Earth is excavated from nearby source.	Review	
Grassed Waterways	Ac.	412	A natural or constructed channel that is shaped or graded to required dimensions and established in suitable vegetation for the stable conveyance of runoff.	A channel is cut from 12-30 inches deep and 8 to 30 or more feet wide and from 10 to 400 feet or more long. Spoil is placed and spread on nearby crop field.	Review	
Heavy Use Area Protection	Ac.	561	Protecting heavily used areas by establishing vegetative cover, by surfacing with suitable materials, or by installing needed structures.	Areas that are or will be worn, disturbed and eroded from heavy animal or vehicle traffic. Area is graded and shaped, and hardened material such as crushed rock or concrete is usually placed.	Review	
Hedgerow Planting	Ft.	422	Establishing a living fence of shrubs or trees in, across, or around a field.	Small trees/shrubs are usually hand planted using shovel or dibble, in two or more rows.	Exempt	
Incinerator	Ea.	769	An incinerator used to dispose of dead poultry or other small animals.	Incinerator is placed on a concrete pad sometimes with a roof structure. Clearing, grubbing and excavation for foundation in an area 10-20 feet diameter. Usually located in disturbed area adjacent to poultry houses.	Exempt	
Irrigation Canal or Lateral	Ft.	320	A permanent irrigation canal or lateral constructed to convey water from the source of supply to one or more irrigated areas.	Heavy farm or construction equipment is used to clear and grub, excavate the canal or lateral, and construct embankments.	Review	
Irrigation Field Ditch	Ft.	388	A permanent irrigation ditch constructed to convey water from the source of supply to a field or fields in a farm distribution system.	Heavy farm or construction equipment is used to clear and grub, excavate the field ditch, and construct embankments.	Review	
Irrigation Land Leveling	No.	464	Reshaping the surface of land to be irrigated to planned grades.	Earthmoving equipment such as a fixed blade, grader, or earth pan is pulled across a field in several directions.	Review**	***Must be submitted to SHPO for review

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Irrigation Regulated Reservoir	No.	552-B	A small storage reservoir constructed to regulate an irrigation water supply.	Heavy farm or construction equipment is used to clear and grub, excavate the reservoir, and construct embankments.	Review	
Irrigation Storage Reservoir	No. and Ac. Ft	436	An irrigation water storage structure made by constructing a dam, embankment, or pit.	Heavy farm or construction equipment is used to clear and grub, excavate the reservoir, and construct embankments.	Review	
Irrigation System, Microirrigation	No. and Ac.	441	An irrigation system for distribution of water directly to the plant root zone by means of surface or subsurface applicators.	Pipes are placed on the surface or just below the surface within the plowzone. Permanently installed mains and laterals are installed according to standards for irrigation pipelines (430).	Exempt	
Irrigation System, Sprinkler	No. and Ac.	442	A planned irrigation system in which all necessary facilities are installed for efficiently applying water by means of perforated pipes or nozzles operated under pressure.	Permanently installed mains and laterals are installed according to standards for irrigation pipelines (430).	Exempt	
Irrigation System, Surface and Subsurface	No. and Ac.	443	A planned irrigation system in which all necessary water-control structures have been installed for the efficient distribution of irrigation water by surface means, such as furrows, borders, contour levees, or contour ditches, or by subsurface means.	Usually, installing polytubing on the ground surface.	Exempt*	*If installing subsurface lines treat as Review (R) .
Irrigation System, Tailwater Recovery	No.	447	A facility to collect, store, and transport irrigation tailwater for reuse in a farm irrigation distribution system.	Trenches for pipelines, storage pits, ditches excavated.	Review	
Irrigation Water Conveyance High-Pressure, Underground, Plastic Pipeline	Ft.	430-DD	A pipeline and appurtenances installed in an irrigation system.	Trenches for pipelines excavated 18 - 30 inches deep and up to 36 inches wide.	Review	
Irrigation Water Conveyance Low Pressure, Underground, Plastic Pipeline	Ft.	430-EE	A pipeline and appurtenances installed in an irrigation system.	Trenches for pipelines excavated 30-48 inches deep and up to 36 inches wide.	Review	
Irrigation Water Conveyance Steel Pipeline	Ft.	430-FF	A pipeline and appurtenances installed in an irrigation system.	Trenches for pipelines excavated 24-48 inches deep and up to 36 inches wide.	Review	
Irrigation Water Management	Ac.	449	Irrigation water management is the process of determining and controlling the volume, frequency, and application rate of irrigation water in a planned, efficient manner.	Managing available water supplies for irrigation.	Exempt	
Land Clearing	Ac.	460	Removing trees, stumps, and other vegetation from wooded areas.	Use of heavy equipment, extensive site disturbance.	Review	
Land Reclamation, Abandoned Mined Land	Ac.	543	Restoring land and water that are adversely affected by past mining practices and increasing the productivity of the areas for beneficial use.	These sites are already or will be highly disturbed from recent mining activity, but reshaping may occur on undisturbed areas adjacent to the existing mine.	Review	
Land Reclamation, Currently Mined Land	Ac.	544	Restoring currently mined land to an acceptable form and for a planned use.	These sites are already or will be highly disturbed from recent mining activity, but reshaping may occur on undisturbed areas adjacent to the existing mine.	Review	
Land Reclamation, Highwall Treatment	No. and Ft.	456	Reducing harmful effects of highwalls in abandoned mined areas.	Heavy equipment is used to reshape highwalls. These sites are already or will be highly disturbed from previous mining activity, but reshaping may occur on undisturbed areas adjacent to the existing mine.	Review	
Land Smoothing	Ac.	466	Removing irregularities on the land surface by use of special equipment.	Tractor or dozer smooth out field surface to a uniform surface. Usually performed on existing cropland or previously disturbed areas.	Review	

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Lined Waterway Or Outlet	Ft.	468	A waterway or outlet with an erosion-resistant lining of concrete, stone, or other permanent material. The lined section extends up the side slopes to the designed depth of flow. The earth above the permanent lining may be vegetated or otherwise protected.	Waterway channel is excavated from 12 to over 30 inches deep and 2 to over 10 feet wide. Spoil is placed and spread in adjacent field.	Review	
Livestock Shade Structure	Ac.	717	A permanent or portable, framed structure with mesh fabric roof to provide shade for livestock.	Usually, portable steel or wooden structures positioned on the ground surface with farm equipment.	Exempt	
Manure Transfer	No.	634	A manure conveyance system using structures, conduits, or equipment.	Transferring animal manure with hauling equipment to a storage/treatment facility, a loading area, or agricultural land.	Exempt	
Mulching	Ac.	484	Applying plant residues or other suitable materials, not produced on the site, to the surface of the soil.	Usually, composted material, plastic sheeting or other suitable material is placed by hand or machine over the top of a crop field or row bed for crop production.	Exempt	
Nutrient Management	Ac.	590	Managing the amount, form, placement, and timing of applications of plant nutrients.	Part of normal farming activity. Incorporation of fertilizer into the root zone is extent of soil disturbance.	Exempt	
Obstruction Removal	Ac.	500	Removal and disposal of unwanted, unsightly, or hazardous buildings, structures, vegetation, landscape features, trash, and other materials.	This could be limited to man-made obstructions to natural obstructions such as rock, and will vary greatly from job to job.	Review	
Open Channel	Ft.	582	Constructing or improving a channel, either natural or artificial, in which water flows with a free surface.	Excavation of soil, clearing, grubbing, and shaping or grading of bottom and banks of channel using heavy equipment.	Review	
Pasture and Hay Planting	Ac.	512	Establishing and reestablishing long-term stands of adapted species of perennial, biennial, or reseeding forage plants. (Includes pasture and hayland renovation. Does not include grassed waterways or outlets on cropland.)	The actual planting activity is done using normal farm equipment. The planting operation could be conducted on previously cropped land, or cleared land converted from forest or native vegetation.	Exempt*	*If chiseling used to prepare seedbed, treat this practice as a Review (R)
Pest Management	Ac.	595	A system of managing pests (including diseases, weeds, insects and other invertebrates, and wildlife) to reduce adverse effects on plant and animal growth, crop production, farm profitability and environmental resources.	Part of normal farming operation and seldom, if ever, disturbs soil below normal plow layer on cropland or other land.	Exempt	
Pipeline	Ft.	516	Pipeline installed or conveying water for livestock or for recreation.	Pipe is placed 18- 30 inches below ground into a 4-6 inch wide trench usually dug using a trenching machine.	Review	
Pollution Retention Reservoir	No.	720	A water impoundment reservoir with controlled water release to trap and store nonpoint source pollutants from agricultural lands.	Earthwork generally completed using heavy construction equipment to excavate and place fill to form a berm, dam or pit.	Review	
Pond	No.	378	A water impoundment made by constructing a dam or an embankment or by excavating a pit or dugout.	Earthwork is completed using heavy construction equipment to excavate soil and either spread nearby, or place to construct a dam. Water will be impounded.	Review	
Pond Sealing or Lining - Bentonite Sealant	No.	521-C	Installing a fixed lining of impervious material or treating the soil in a pond mechanically or chemically to impede or prevent excessive water loss.	Site has already been disturbed for the pond construction. This liner is placed on top of the soil or incorporated to 6 inches or less.	Exempt	

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Pond Sealing or Lining - Flexible Membrane	No.	521-A	Installing a fixed lining or impervious material or treating the soil in a pond mechanically or chemically to impede or prevent excessive water loss.	Site has already been disturbed for the pond construction. This liner is placed on top of the soil or incorporated to 6 inches or less.	Exempt	
Pond Sealing or Lining - Soil Dispersant	No.	521-B	Installing a fixed lining of impervious material or treating the soil in a pond mechanically or chemically to impede or prevent excessive water loss.	Site has already been disturbed for the pond construction. This liner is placed on top of the soil or incorporated to 6 inches or less.	Exempt	
Precision Land Forming	Ac.	462	Reshaping the surface of land to planned grades.	Earthmoving equipment such as a fixed blade, grader, or earth pan is pulled across a field in several directions.	Review**	***Must be submitted to SHPO for review
Prescribed Burning	Ac.	338	Applying fire to predetermined areas under conditions that the intensity and spread of the fire are controlled.	Controlled burning of undesirable vegetation.	Exempt	
Prescribed Grazing	Ac.	528A	Managing the controlled harvest of vegetation with grazing animals.	Grazing in pasture fields.	Exempt	
Pumping Plant	No.	533	A pumping facility installed to transfer water for a conservation need, including removing excess surface or ground water; filling ponds, ditches or wetlands; or pumping from wells, ponds, streams, and other sources.	Permanent structure consisting of pump, motor and water conveyance appurtenances. Facility may be housed in a shed or small building.	Review	
Recreation Area Improvement (Chemical, Mowing, Hand Tools)	Ac.	562	Establishing grasses, legumes, vines, shrubs, trees, or other plants or selectively reducing stand density and trimming woody plants to improve an area for recreation.	Use of chemicals, mowing or other hand tools to manage weeds and brush. Use of chain saws to remove undesirable trees. Establishing woody plants using shovels.	Exempt	
Recreation Area Improvement (Mechanical)	Ac.	562	Establishing grasses, legumes, vines, shrubs, trees, or other plants or selectively reducing stand density and trimming woody plants to improve an area for recreation.	Construction equipment used to grade and smooth surface or clear vegetation. Soil disturbance to previously undisturbed areas to prepare seedbed.	Review	
Recreation Land Grading and Shaping	Ac.	566	Altering the surface of the land to meet the requirements of recreation facilities.	Light to heavy construction equipment needed to remove vegetation and move soil to a specified grade.	Review	
Recreational Trail and Walkway	Ft.	568	A pathway prepared especially for pedestrian, equestrian, and cycle travel.	Removing vegetation as well as grading work with light to heavy construction equipment may be needed, however, could also be accomplished with hand tools. Some trails may have materials placed upon them such as mulch or gravel.	Review	
Residue Management, Mulch Till	Ac.	329B	Managing the amount and distribution of plant residue on the soil surface year-round, while growing crops where the entire field surface is tilled prior to planting.	Part of normal farming operation which allows for the tillage of crop fields using normal farming equipment.	Exempt	
Residue Management, No-Till, and Strip Till	Ac.	329A	Managing the amount and distribution of plant residues on the soil surface year-round, while growing crops in narrow slots or tilled strips in previously untilled soil and residue.	Part of normal farming operation allows for the tillage of strips within the crop field. Other areas are left in herbaceous vegetation or previous crop residue for the current growing season. Requires special equipment	Exempt	
Residue Management, Ridge-Till	Ac.	329C	Managing the amount and distribution of plant residue on the soil surface year-round, while growing crops on preformed ridges alternated with furrows protected by crop residue.	Part of normal farm operation except that crop rows are shaped into ridges 2-8 inches high and 4-12 inches wide using normal farming equipment.	Exempt	
Residue Management, Seasonal	Ac.	344	Using plant residues to protect cultivated fields during critical erosion periods.	Practice attempts to retain crop residues on soil surface after crop harvest. Non-soil disturbing	Exempt	

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Restoration and Management of Declining Habitats	Ac.	643	Restoring and conserving rare or declining native vegetated communities and associated wildlife species.		Exempt	
Riparian Forest Buffer	Ac.	391	A riparian forest buffer is an area consisting of trees, shrubs, and herbaceous plants that function as vegetated ecosystems that are located adjacent to waterbodies and watercourses.	Generally, previously cleared land that has been cropped or pastured is planted to trees or other vegetation using a mechanical tree planter or hand planting equipment.	Exempt*	*Treat as a Review (R) if Tree/Shrub Site Prep (Mechanical) or Grading/Shaping is required.
Riparian Herbaceous Cover	Ac.	390	Riparian areas are ecosystems that occur along water courses or at the fringe of water bodies. Riparian herbaceous cover consist of grasses, grasslike plants, and forbs.	Generally, previously cleared land that has been cropped or pastured is planted to native grasses, grasslike plants, and forbs. Site preparation may be required.	Exempt*	*Treat as a Review (R) if Grading/Shaping is required.
Roof Runoff Structure	No.	558	A facility for collecting, controlling, and disposing of runoff water from roofs.	The placement of gutters on the roof eaves and the disposal of the water across the land, away from the building or other nearby structure.	Exempt	
Row Arrangement	Ac.	557	Establishing a system of crop rows on planned grades and lengths primarily for erosion control and water management.	Planning row direction, grade and length to provide adequate drainage and erosion control and permit optimum use of rainfall or irrigation water.	Exempt	
Runoff Management System	No. and Ac.	570	A system for controlling excess runoff caused by construction operations at development sites, changes in land use, or other land disturbances.	May include light to heavy grading to divert and retain water in swales, ditches, and small basins. Could also be accomplished through the placement of hay bales, temporary soil berms or other materials.	Review	
Sediment Basin	No.	350	A basin constructed to collect and store sediment and debris.	Earthwork generally completed using heavy construction equipment to excavate and place fill to form a berm, dam or pit.	Review	
Shallow Water Management For Wildlife	Ac.	646	Managing shallow water on agricultural lands and moist soil areas for wildlife habitat.		Exempt	
Silvopasture	Ac.	381	A silvopasture application establishing trees on existing pastureland in a prescribed spacing to allow for the production of timber and forage.	Generally, existing pastureland is planted to trees using a mechanical tree planter or hand planting equipment.	Exempt	
Spoil Spreading	Ac.	572	Disposing of surplus excavated materials.	Use of heavy equipment to spread surplus excavated materials. May be up to 3 feet above natural ground surface.	Review**	*Burial of archaeological deposits can have beneficial or detrimental effects depending on site specific circumstances.
Spring Development	No.	574	Improving springs and seeps by excavating, cleaning, capping, or providing collection and storage facilities.	Earthwork generally completed using heavy construction equipment to excavate and place fill to form a berm, dam or pit.	Review	
Stream Crossing	No.	728	A stabilized area to provide for crossing of a stream by livestock and farm machinery, or to provide access to the stream for livestock water.	Grading and limited shaping of the stream bank to allow for a more gradual access into and out of the stream.	Review	
Stream Habitat Improvement and Management	Ft.	395	Improving a stream channel to make a new fish habitat or to enhance an existing habitat.	Stream channel may be modified to the extent practical, to its original flow pattern usually by installing riffles and pools and de-straightening. Usually performed with construction equipment on a stream that has been previously altered.	Review	
Streambank and Shoreline Protection	Ft.	580	Using vegetation or structures to stabilize and protect banks of streams, lakes, estuaries, or excavated channels against scour and erosion.	These areas are generally disturbed by high velocity water flows across the landscape. Area affected may be artificial or natural	Review	

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Stripcropping, Contour	Ac.	585	Growing crops in a systematic arrangement of strips or bands on the contour to reduce water erosion. The crops are arranged so that a strip of grass or close-growing crop is alternated with a strip of clean-tilled crop or fallow or a strip of grass is alternated with a close-growing crop.	Normal farm activity using normal farming equipment.	Exempt	
Stripcropping, Field	Ac.	586	Growing crops in a systematic arrangement of strips across the general slope (not on the contour) to reduce sheet and rill erosion. A strip of crops is grown between narrow permanent strips of grass or a close growing crop (e.g., wheat) is alternated with row crops in equal strip widths.	Normal farm activity using normal farming equipment.	Exempt	
Structure For Water Control	No.	587	A structure in an irrigation, drainage, or other water management systems that conveys water, controls the direction or rate of flow, or maintains a desired water surface elevation.	Usually consists of a pipe or weir with a movable gate. The structure is installed into an earthen embankment.	Review**	**Must be submitted to SHPO for review if planned as pads & pipes
Subsurface Drain	Ft.	606	A conduit, such as tile, pipe, or tubing, installed beneath the ground surface to collect an/or convey drainage water.	A pipe is installed 12 inches to five feet below the soil surface using a backhoe or trenching machine.	Review	
Surface Drainage Field Ditch	Ft.	607	A graded ditch for collecting excess water in a field.	Can be constructed using a tractor-mounted grading blade or small dozer. Ditch can be 12 - 24 inches deep or more and 12 to 30 inches or more wide.	Review	
Surface Drainage Main or Lateral	Ft.	608	An open drainage ditch constructed to a designed size and grade.	Generally constructed using construction equipment such as a backhoe or excavator.	Review	
Terrace	Ft.	600	An earth embankment or a ridge and channel constructed across the slope at a suitable spacing and with an acceptable grade.	Soil is pushed up and down hill into a berm 18-30 inches high., or more and 6-20 feet wide or more. A 6-12 inch channel is cut uphill of the terrace.	Review**	***Must be submitted to SHPO for review
Tree/Shrub Establishment (Cropland)	Ac.	612	To set tree seedlings or cuttings in the soil.	Planting trees on a 10 foot by 10 foot or lesser density, in existing cropland.	Review	
Tree/Shrub Establishment (Pasture or Woodland)	Ac.	612	To set tree seedlings or cuttings in the soil.	Planting trees on a 10 foot by 10 foot or lesser density in existing pasture or woodland.	Exempt	
Tree/Shrub Site Preparation (Chemical, Burning or Mowing)	Ac.	490	Treating areas to encourage natural seeding of desirable trees or to permit reforestation by planting or direct seeding.	Chemical application, prescribed burning or mowing with a brush/forestry mower or bushhog.	Exempt	
Tree/Shrub Site Preparation (Mechanical)	Ac.	490	Treating areas to encourage natural seeding of desirable trees or to permit reforestation by planting or direct seeding.	Pushing and piling, chopping or disking.	Review	
Underground Outlet	Ft.	620	A conduit installed beneath the surface of the ground to collect surface water and convey it to a suitable outlet.	A pipe is installed 12 inches to five feet below the soil surface using a backhoe or trenching machine.	Review	
Upland Wildlife Habitat Management	Ac.	645	Retaining, creating, or managing areas, other than wetland, for food and shelter for wildlife.	May entail the plating of food plots or placement of bush piles for habitat. Varies by site, but generally non-intrusive.	Exempt	
Use Exclusion	Ac.	472	Excluding livestock from an area not intended for grazing or to protect an area from excessive erosion or nutrient enrichment.	The actual operation is management and control of livestock although may require support practices such as fence and/or water facilities.	Exempt	

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Vegetative Barrier	Ac.	601	Permanent strips of stiff, erect, dense perennial vegetation established along the general contour of slopes but crossing concentrated flow areas at convenient angles for farming, or where sheet and rill erosion is not a concern, vegetative barriers may be established across concentrated flow areas only to control ephemeral erosion.	Vegetation planted in strips 3 feet or more in width spaced 150 feet or less apart.	Exempt	
Waste Management System	No.	312	A planned system in which all necessary components are installed for managing liquid and solid waste, including runoff from concentrated waste areas, in a manner that does not degrade air, soil, or water resources.		Exempt	
Waste Storage Facility	No.	313	A waste storage impoundment made by constructing a pond (embankment and/or excavated pit or dugout), or by fabricating a structure.	Usually constructed of earth materials using heavy construction equipment, or the placement of a concrete structure or other storage vessel.	Review	
Waste Treatment Lagoon	No.	359	An impoundment made by excavation or earth fill for biological treatment of animal or other agricultural waste.	Heavy construction equipment is used to excavate soil at least 10 feet deep. Soil is placed along top and shaped into a berm.	Review	
Waste Utilization	Ac.	633	Using agricultural waste or other waste on land in an environmentally acceptable manner while maintaining or improving soil and plant resources.	Collection and surface application of collected manures, bedding material and other biodegradable products safe for land application. Some waste is injected or incorporated to normal tillage depths.	Exempt	
Water and Sediment Control Basin	No.	638	An earth embankment or a combination ridge and channel generally constructed across the slope and minor water courses to form a sediment trap and a water detention basin.	Constructed using heavy construction equipment. However, the sites are almost always severely degraded from erosion. Soil is collected from surrounding site and placed into an embankment 2 - 6 feet high. An underground outlet is almost always installed in conjunction with this practice.	Review	
Water Well	No.	642	A well constructed or improved to provide water for irrigation, livestock, wildlife, or recreation.	Wells are generally constructed by driving 2 - 12 inch metal casings into the ground 20 to over 200 feet deep. The disturbed area is usually less than 16 sq. ft.. Some wells are hand dug.	Exempt	
Watering Facility	No.	614	A trough or tank, with needed devices for water control and wastewater disposal, installed to provide drinking water for livestock.	A tank is placed on the ground, or on a concrete or gravel pad. Area can be as small as 1 foot square or as large as 30 feet diameter.	Exempt	
Well Decommissioning	No.	351	The sealing and permanent closure of a water well no longer in use.	Removing old equipment, plugging and sealing the well.	Exempt*	*Additional cultural resources consideration may be needed for dug wells or cisterns. Contact CRC/CRS.
Wetland Creation	Ac.	658	A wetland that has been created on a site location which historically was not a wetland or is a wetland but the site will be converted to a wetland with a different hydrology, vegetation type, or function than naturally occurred on the site.	Usually consists of other practices such as tree planting, dike construction or placement of water control structures to accomplish objectives.	Review	
Wetland Enhancement	Ac.	659	The modification or rehabilitation of an existing or degraded wetland where specific functions and/or values are modified for the purpose of meeting specific project objectives. Some functions may remain unchanged while others may be degraded.	Usually consists of other practices such as tree planting, dike construction or placement of water control structures to accomplish objectives.	Review	

Practice	Units	Code	Practice Description	Practice Extent	Classification	Comments
Wetland Restoration	Ac.	657	A rehabilitation of a drained or degraded wetland where the soils, hydrology, vegetative community, and biological habitat are returned to the natural condition to the extent practicable.	Usually consists of other practices such as tree planting, dike construction or placement of water control structures to accomplish objectives.	Review	
Wetland Wildlife Habitat Management	Ac.	644	Retaining, creating, or managing wetland habitat for wildlife.	Usually managing other practices that effect habitat and hydro-period. Applies to existing wetland area.	Review	
Windbreak/Shelterbelt Establishment	Ft.	380	A belt of tree or shrubs established next to a farmstead or feedlot.	Planting of two or more rows of trees using hand tools or mechanical tree planter.	Review	
Windbreak/Shelterbelt Renovation	Ft.	650	Widening, partial replanting, releasing, removing, and replacing selected trees and shrubs to improve an existing windbreak or shelterbelt.	Planting of two or more rows of trees using hand tools or mechanical tree planter.	Review	

Attachments 3 & 4

Mississippi Cultural Resources Review
Form, MS-CR-1

&

Mississippi Cultural Resources Survey
Summary Form, MS-CR-2



Mississippi Cultural Resources Review Form

MS-CR-1 (Oct. 2005)

Customer Name:		Land Ownership		County	
Farm #	Tract #	Field #	Section Township Range	USGS 7.5" Quad	

Program	Practice Code(s)	APE (Acres):	Anticipated start date

A. Informant/Background Information:
Is the owner/operator aware of any of the items below that occur or have occurred in or near the APE?
Indian mounds, old houses, barns, mills, logging camps, bridges, artifacts (pottery, stone tools, flakes, bone, shell, historic artifacts), graves, cemeteries, battlefields, etc.
Are structures or other cultural resources shown on the County Soil Survey Map or other historical maps?
Are known sites listed in the State Archaeological Site File Section Data?
Describe cultural resources identified by informant information:

B. Field Inspection:

How many acres of the area to be disturbed (APE) was systematically walked and visually inspected for evidence of historic or prehistoric sites?: <input type="text"/>	Predominant Ground Cover <input type="text"/>
Were cultural indicators identified during field inspection? <input type="text"/>	Bare Ground Surface Visibility <input type="text"/>
Were environmental indicators identified during field inspection? <input type="text"/>	Major Ground Disturbance <input type="text"/>
If less than 100% of APE inspected, describe the inspected areas: <input type="text"/>	

Describe cultural and/or environmental indicators found during field inspection:

Additional Comments:

Cultural Resources Review Form Completed By:	Field Office:	Date:

CRC/CRS Review:	Form Received by CRC/CRS:	Survey Required:	Project Effects:

Site Files Checked	Survey/Field Visit Date:	Sites identified within or near APE:

Outcome:	Treatment:	CRC/CRS Reviewer:	Entered into PRS

CRC/CRS Comments:



Mississippi Cultural Resources Survey Summary Form

MS-CR-2 (Oct. 2005)

Project Information

Customer/Project Name		County	Program		USGS 7.5' Quad		
Section, Township, Range		Farm #	Tract #	Field #	UTM Zone	Easting	Northing
Ecoregion		Watershed			APE (acres)		

Project Description

Background Review

Known Archaeological Sites

Other historic resources

Previous Investigations

Historic Land Use

Survey Results

Survey Date	Acres Surveyed:	Intensive Acres	Reconnaissance Acres	Natural Setting
Vegetation/Land Cover	% Ground Cover	Previous Impacts		Depth of topsoil (cm)
Method of Testing	# Tests	# Sites located	Anthropogenic Features	Effects

Field Methods

Results and Recommendations

Personnel Conducting Survey

Reporter

Date